

COLUMBIA UNIVERSITY  
in the City of New York  
University Extension

May 11, 1939.

Mr. Bob Barker  
The Senate  
Austin, Texas

My dear Mr. Barker:

To say that I appreciated the Senate Resolution No. 76 is to put it all too mildly. As good fortune would have it, it arrived just a few hours before a meeting at our place of the Texas Scroll, an organization of Texans in New York who are actively engaged in creative work in one of more fields of the arts, sciences, or letters. I couldn't resist the temptation of showing it to them, and for the rest of the evening conversation revolved around the topic of Texas and our present Lieutenant Governor.

I hope the enclosed may express to the Senate something of my appreciation of their gracious action.

Sincerely,  
FRANK CALLCOTT.

#### SIXTY-NINTH DAY

(Tuesday, May 16, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent—Excused

Graves Shivers

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Leaves of Absence Granted

Senator Graves was granted leave of absence for today on account of important business, on motion of Senator Spears.

Senator Shivers was granted leave of absence for today on account of important business, on motion of Senator Cotten.

#### Report of Standing Committee

Senator Winfield submitted the following report of the Committee on Banking:

Austin, Texas,  
May 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 304, A bill to be entitled "An Act to amend Article 1344 of the Revised Civil Statutes, 1925, by providing for the exemption from the provisions of same corporations operating or hereafter to operate under Chapter 40, page 77, Acts of Regular Session of Forty-first Legislature, and having on deposit with the State Treasurer or other approved depository \$100,000 as provided in Section 6 of said Act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WINFIELD, Chairman.

#### House Concurrent Resolution 146

The following resolution, received from the House on yesterday, was laid before the Senate:

H. C. R. No. 146, To provide for certain corrections in H. B. No. 9.

On motion of Senator Stone of Galveston, a full reading of the resolution was dispensed with.

Senator Spears raised a point of order against consideration of the resolution at this time, on the ground

that the hour heretofore set for the consideration of a special order having arrived, the Senate may not consider any other matter until the special order has been disposed of.

The President sustained the point of order.

On motion of Senator Stone of Galveston, and by unanimous consent, the rule requiring concurrent resolutions to be referred to a committee was suspended and it was ordered that the resolution be not referred to a committee.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, May 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has reconsidered the vote on final passage, amended and then finally passed the following bill:

S. B. No. 115, A bill to be entitled "An Act amending Section 22 of Senate Bill No. 111, Chapter 61, passed at the Second Called Session of the Forty-first Legislature, (regulating Building and Loan Associations with respect to bonds of officers and employees of Building and Loan Associations); providing that fidelity insurance policies carried by any association may be accepted in lieu of such bond or bonds; repealing laws in conflict therewith, and declaring an emergency." (With amendments.)

The House has passed:

S. B. No. 181, A bill to be entitled "An Act amending Article 3726, Revised Civil Statutes, 1925, as amended by House Bill No. 73, First Called Session, Fortieth Legislature, (relating to the admission of recorded instruments without proof); and declaring an emergency." (With amendments.)

H. B. No. 562, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue Fund of the State of Texas for the Livestock Sanitary Commission for additional support and main-

tenance of the Livestock Sanitary Commission for the balance of the fiscal year ending August 31, 1939, to recover the office expenses, traveling expenses, indemnity Bangs reactor to cattle and goat owners. Of law enforcement, salaries of Inspectors providing for the regulations for which appropriations shall be expended and under which such Inspectors shall be employed, and declaring an emergency."

The House has concurred in Senate amendments to H. C. R. No. 122 by a viva voce vote.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### House Bill 688 on Second Reading (Special Order)

The President laid before the Senate, as a special order for this hour, on its second reading and passage to third reading:

H. B. No. 688, A bill to be entitled "An Act to amend Sections 1 and 6 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, and to amend Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, and as amended by Chapter 370, Acts of the Regular Session of the Forty-fifth Legislature, relative to the Board of County and District Road Indebtedness; and providing that if any portion hereof be unconstitutional or invalid for any reason, the remaining part shall, nevertheless, be in full force and effect; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

(Senator Van Zandt in the Chair.)

Senator Small offered the following amendment to the bill:

Amend H. B. No. 688 by striking out below the enacting clause and substituting in lieu thereof the following:

Section 1. That Section 6, Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, be amended so as to read hereafter as follows:

"Sec. 6. Each month the Comptroller of Public Accounts, after computing and ascertaining the maximum amount of refunds that may be due by the State on the business of selling gasoline, as provided in Section 17, Chapter 88, General Laws, Acts of the Second Called Session of the Forty-first Legislature, as amended by Chapter 104, General Laws, Acts of the Regular Session of the Forty-second Legislature, shall deduct same from the total occupation or excise tax paid on the business of selling gasoline, as imposed by Section 17, Chapter 98, General Laws, Acts of the Regular Session of the Forty-second Legislature; and beginning with said taxes collected on and after Oct. 1, 1932, shall, after deducting the said maximum amount of refunds, allocate and place the remainder of said occupation or excise tax on the business of selling gasoline, in the State Treasury as provided by law, in the proportion as follows: One-fourth ( $\frac{1}{4}$ ) of such occupation or excise tax shall go to, and be placed to the credit of, the available free school fund; one-fourth ( $\frac{1}{4}$ ) of the same shall go to, and be placed to the credit of, a fund to be known as the "County and Road District Highway Fund," subject to the provisions and limitations of Section 3 of this Act; the remainder of such occupation or excise tax shall go to, and be placed to the credit of, the State Highway Fund, for the construction and maintenance of the public roads of this State, constituting and comprising the system of State Highways of Texas, as designated by the State Highway Commission of Texas."

Sec. 2. That Section 7, Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, as amended by Chapter 370, Acts of the Regular Session of the Forty-fifth Legislature, be

amended so as to read hereafter as follows:

"Sec. 7. (a) All bonds, warrants or other evidence of indebtedness heretofore issued by counties or defined road districts of this State, insofar as amounts of same were issued for, and the proceeds have been actually expended in the construction of roads that constituted and comprised a part of the system of designated state highways on Sept. 17, 1932, or which subsequent to such date, and prior to Jan. 1, 1939, have been designated a part of the system of State Highways, or any road that heretofore has constituted a part of said system, and which has been or may be changed, relocated or abandoned, whether said indebtedness is now evidenced by the obligations originally issued or by refunding obligations or both, shall be eligible to participate as of January 1, 1933, in the distribution of the moneys coming into said County and Road District Highway Fund subject to the provisions of this Act; provided that such indebtedness, the proceeds of which have been expended in the construction of roads which have been designated as a part of the State Highway System after Sept. 17, 1932, and prior to January 1, 1939, shall participate in said County and Road District Highway Fund as of the date of designation of said road as a part of the state system; provided, that all bonds voted by a county or defined road district of the State, prior to January 1, 1939, insofar as amounts of same were or may be issued and the proceeds expended in the construction of roads which are a part of the designated system of state highways, or which were a part of said system, or which may be subsequently designated a part of said system, shall be eligible to participate in the distribution of the moneys coming into the County and Road District Highway Fund as provided in the foregoing and following provisions of this Act as of the date of the designation of said road as a part of the state system. Regardless of other provisions of this Act, where such bonds were voted prior to January 1, 1939, and prior to the designation of the road as a part of the State Highway System, the county or road district may issue and spend the proceeds on the construction of such road under contract and specifications to

be approved by the State Highway Engineer, and such bonds shall be eligible to participate in the County and Road District Highway Fund the same as if the bonds were issued and expended prior to January 1, 1939; provided further, that any participation in said Fund by all counties and defined road districts shall be less the amount of the sinking funds which were required to be accumulated in such funds of the respective counties and defined road districts under the provisions of the statutes and orders of the commissioners' court authorizing the issuance of said eligible obligations, and the tax levy authorized at the time of issuance thereof, for the time such obligations have run or may have run, regardless of whether the full amount of said funds are, or may be, actually on hand and to the credit of the sinking funds of the several counties and defined road districts.

It being expressly provided in this connection that the term 'sinking funds' shall include only those funds required under law for the retirement of bonds, and shall not include any excess or surplus which may have been accumulated by any county or defined road district above the legal requirements. The amount of such eligible indebtedness shall be determined as hereafter provided. Provided further, that no State funds created or provided for by the terms of this Act, shall be expended in the payment of any interest maturing on the amount of sinking funds required by the terms of this Act to be accumulated by the county or defined road district at the date of eligibility of its obligations. In the event the State Highway Commission has, on a date prior to January 1st, 1939, indicated its intention of designating as State Highways the public roads of any county or defined road district in this State, and has recorded such intention in its official records, then the provisions of this Act shall apply as if the said roads had actually been designated prior to January 1st, 1939."

Sec. 3. That Section 7, Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, as

amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, as amended by Chapter 370, Acts of the Regular Session of the Forty-fifth Legislature be amended by adding at the end of Sub-section (g) a new paragraph to be designated as Paragraph One (1) and to read as follows:

"(1) From year to year, and not later than July 15 of each year, said Board shall ascertain and determine the sum necessary to pay the interest, principal and sinking fund requirements on all eligible obligations for the next succeeding calendar year and shall determine the total amount necessary to pay all legislative appropriations from the County and Road District Highway Fund for such period and shall determine what operating surplus shall be required by the said Board for such next succeeding calendar year, which operating surplus shall not exceed \$3,000,000 (three million dollars); after such amounts have been ascertained and determined, the said Board shall ascertain the total amount of moneys which shall be required to be allocated to the credit of the County and Road District Highway Fund during the next succeeding calendar year in order to provide the necessary funds as hereinbefore set out, and in computing such amount of moneys which shall be required to be allocated to the credit of such Fund during the next succeeding calendar year, the Board shall take into consideration any surplus then in said Fund over and above the reasonable operating surplus hereinbefore provided for. Thereafter, and not later than August 1 of each year, said Board shall certify to the Comptroller of Public Accounts a statement which shall show such amount as the said Board shall have estimated to be required to be allocated to said Fund for the next succeeding calendar year and the said Comptroller shall, beginning on January 1 of such following calendar year, make the allocation of one-fourth ( $\frac{1}{4}$ ) of the occupation or excise tax on the business of selling gasoline to the credit of the County and Road District Highway Fund, as provided in Section 2 of this Act; but such allocation to the County and Road District Highway Fund shall be made during such calendar year only until there has been allocated to the credit of such County and Road District Highway Fund the amount,

which the Board of County and District Road Indebtedness has theretofore certified to the Comptroller of Public Accounts to be required for such calendar year as hereinbefore prescribed; and, after such amount so certified has been allocated to the credit of such Fund, all of the one-fourth ( $\frac{1}{4}$ ) of the occupation or excise tax on the business of selling gasoline, which had theretofore been allocated to the credit of the County and Road District Highway Fund, shall be for the remainder of such calendar year be allocated to the credit of the State Highway Fund, for the construction and maintenance of the public roads of Texas as designated by the State Highway Commission."

Sec. 4. That Sub-section "i" of Section 7, Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, as amended by Chapter 370, Acts of the Regular Session of the Forty-fifth Legislature, be amended so as to read hereafter as follows:

"(i) All moneys deposited with the State Treasurer to the credit of the County and Road District Highway Fund as provided in Section 3 of this Act up to September 1, 1941, are hereby appropriated to said respective counties and defined road districts and shall be received, held, used, and applied by the State Treasurer as ex-officio treasurer of said respective counties and defined road districts to the payment of the interest, principal, and sinking fund requirements on all eligible obligations maturing on and after September 1, 1939, to and including August 31, 1941, and each year thereafter until all such eligible obligations are fully paid and moneys coming into the credit of the County and Road District Highway Fund with the State Treasurer and all moneys remaining therein from the previous year shall be received and held by him as ex-officio treasurer of said counties and defined road districts and shall be subject to the appropriation for the payment of interest, principal, and sinking funds maturing from time to

time, on said eligible obligations. As payment of principal and/or interest becomes due upon such eligible obligations the State Comptroller of Public Accounts shall issue his warrant to the State Treasurer for the payment thereof, and the State Treasurer shall pay the same at his office in Austin, Texas, or by remitting to the bank or trust company or other place of payment designated in the particular obligation. Such warrants shall show on their face that the proceeds of same are to be applied by the paying agent to the payment of certain specified obligations or interest therein described, giving the name of the county or defined road district by which they were issued, numbers, amounts, and dates of maturities of the obligations and interest to be paid with instructions to the State Treasurer, paying agent, bank, or trust company to return to the State Comptroller of Public Accounts such obligations and interest coupons when same are paid, and the State Comptroller of Public Accounts shall, on receipt of said obligations and coupons, credit same on his records and send them, duly cancelled, to the Commissioners' Court of the appropriate county, which shall cause to be duly entered a record of such cancellation."

Sec. 5. That Section 7, Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, as amended by Chapter 370, Acts of the Regular Session of the Forty-fifth Legislature, be amended by adding thereto a new sub-section to be known as Sub-section (Q) and to read as follows:

"(q) Upon the passage of this Act, the Board of County and District Road Indebtedness shall determine the total amount which each county or defined road district has paid since January 1, 1933, toward its debt service upon bonds which, at the time of such payment, were eligible to participate in the County and Road District Highway Fund and said Board shall set up such amount as a credit to each said county or defined road district and said Board shall, as soon thereafter as is prac-

licable, pay in cash to each county or defined road district its prorate portion of any excess moneys in said Fund over and above current and immediate future needs, and said Board shall continue such prorate cash payments from such excess as semi-annually on February 1, and August 1, until the credit determined as above prescribed shall have been paid in full; provided that if such payments by any county or defined road district shall have been made upon indebtedness which has not yet been retired in full, the said Board may make adjustments for such payments by increasing the percentage of such indebtedness which shall thereafter participate in the County and Road District Highway Fund. Nothing in this Section shall apply insofar as the said Board has previously made adjustments for such payments by any county or defined road district."

Sec. 6. That Sub-section "k" of Section 7, Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, as amended by Chapter 370, Acts of the Regular Session of the Forty-fifth Legislature, be amended so as to hereafter read as follows:

"(k) All of the securities now on hand in which sinking funds collected for the benefit of outstanding eligible issues are invested and all funds and securities hereafter acquired for the benefit of the entire outstanding balance of all eligible bond issues shall be forwarded within thirty (30) days from the effective date of this Act, and thereafter within thirty (30) days of the acquisition of such fund or securities, to the State Treasurer as ex-officio County Treasurer of the various counties and defined road districts. Provided that the cash now on hand in the sinking fund created for the benefit of outstanding eligible obligations may also be remitted, as above set forth, at the option of such county or defined road district. Any county, the Commissioners' Court of which fails or refuses to comply with the provisions of this Act in all things, including the levy, assessment, and collection of a tax and at a

rate sufficient to pay all sums due or to become due, which the State is unable to pay or to provide each year the proportionate amount of sinking fund required to redeem its outstanding bonds at their maturity shall not participate in any of the benefits of this Act so long as such county fails or refuses to comply with the provisions thereof. The Board of County and District Road Indebtedness shall have and possess full authority to invest all such sinking funds, including all future sinking funds required in any manner whatsoever, in any eligible obligations of the various political subdivisions of this State, which mature within the current biennium in which such securities are purchased and where there is on hand a sufficient amount of moneys or securities to the credit of any one political subdivision to retire some of its outstanding obligations which mature during the current biennium, the Board of County and District Road Indebtedness may, if it deems it advisable, purchase and cancel said obligations of such particular political subdivision. Provided further, that any county which has selected a depository according to law and in which county such depository has qualified by giving surety bonds or by the deposit of adequate securities of the kind provided by law, which in the opinion of the Board of County and District Road Indebtedness is ample to cover the county deposits, and in which county there has been no default by any county depository for a period of three (3) years, and which county has not defaulted in the payment of any installment of principal and/or interest on any county bonds for a period of five (5) years next preceding the date of the filing of its application for exemption, and in which county all sinking funds of all bond issues are in excess of the standard required by law and which county has levied for the current tax year adequate rates in support of outstanding bond issues as required by the Constitution and Statutes of said State, shall be exempted from the provisions of this subdivision of this Act, and which exemption shall be obtained by such county in the manner and under conditions prescribed by the said Board of County and District Road Indebtedness. Said Board of County and District Road Indebtedness shall have the right to inspect the records of

such county at any subsequent date to ascertain whether or not the facts warrant the continuation of the exemption. If at any time, in the opinion of the Board of County and District Road Indebtedness, counties that have been granted exemption under the provisions of this Act shall cease to comply with all the conditions under which the exemption has been granted, the Board shall notify the county to return all securities in which the sinking funds of eligible road bond issues are invested and the residue in said sinking funds, and to begin immediately forwarding taxes levied and collected for the payment of interest and principal on all eligible road bond issues. Said counties whose exemption has been cancelled by said Board shall be given a period of thirty (30) days in which to comply with the demands of the Board. Provided further, that such county so exempt shall furnish the Board of County and District Road Indebtedness an annual statement of the condition of the sinking funds of the several eligible road bond issues, together with a financial statement of the county depository. The Board of County and District Road Indebtedness shall have the right to withhold the payment of any maturity on any eligible road bond indebtedness where such county has failed or refused to comply with all the provisions of this Act."

Sec. 7. If any section, paragraph, or provision of this Act be declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining sections, paragraphs, or provisions of this Act, but the same shall remain in full force and effect.

Sec. 8. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Sec. 9. The fact that the present law governing the subject matter of this Act is inadequate, creates an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days in both houses be suspended and such rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Senator Small and by unanimous consent, a full reading

of the amendment was dispensed with.

Question—Shall the amendment be adopted?

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, May 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 758, A bill to be entitled "An Act authorizing counties to establish and operate sewing rooms, and to provide for the improvement of public records; authorizing Commissioners' Courts of counties to make contracts for the purposes of discovery of land and improvements escaping taxation, compiling and assembling delinquent taxes and ownership record, the elimination of double assessments and elimination or reduction of unknown ownerships and compiling of data pertaining to the value of taxable property for use by the Tax Assessor and Board of Equalization; providing that this Act shall apply only in instances where an agency of the United States Government or the State of Texas agrees to contribute a portion of the necessary money or labor; authorizing counties to issue general fund interest bearing time warrants to evidence their indebtedness under such contracts making it the duty of the Commissioners' Court of such county to levy and collect taxes at the rate of three (3c) cents on the One Hundred (\$100.00) Dollars assessed valuation or so much thereof as may be necessary; imposing the same duties with reference to the levy, assessment and collection of taxes as are imposed by Chapters 1 and 2 of Title 22 of the Revised Civil Statutes of 1925 to assure payment of all bonds; providing that if said three (3c) cents is insufficient it shall be the duty of the Court to levy an additional tax if such can be made without causing a deficit in the current operating fund of the county; providing that this Act shall not revoke any authority

now existing in counties to make contracts for the purposes herein authorized or to repeal any existing law and that this Act shall be cumulative, and declaring an emergency."

H. B. No. 1077, A bill to be entitled "An Act providing for more adequate and equitable salary for County Superintendents of Public Instruction in all those counties of Texas coming within the brackets and population figures herein, specifically in all those counties having not less than thirty-four thousand, six hundred (34,600), and not more than thirty-four thousand, seven hundred (34,700), according to the last preceding Federal Census; modifying all laws or parts of laws in conflict herewith; making this Act cumulative of the General Law, and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Recess

On motion of Senator Pace, the Senate, at 12:05 o'clock p. m., took recess to 2:30 o'clock p. m. today.

#### Afternoon Session

The Senate met at 2:30 o'clock p. m., and was called to order by the President.

#### House Bill 688 on Passage to Third Reading

(Special Order)

The Senate resumed consideration of pending business, same being H. B. No. 688, to allocate to the several counties a portion of the moneys in the County and Road District Highway Fund, on its passage to third reading, with amendment by Senator Small pending.

Question—Shall the amendment be adopted?

Senator Weinert offered the following amendment to the amendment:

Amend Small amendment to H. B. No. 688 by striking out all of the first paragraph on page 6 appearing after the word prescribed on line 5.

Question—Shall the amendment to the amendment be adopted?

Senator Spears raised a point of order against further consideration

of the bill at this time, on the ground that under Joint Rule 20, a House bill may not be considered except on calendar Wednesday and Thursday of each week, unless the rule is suspended by the adoption of a concurrent resolution for that purpose by each House.

The President overruled the point of order.

#### Senate Concurrent Resolution 52

Senator Moore, by unanimous consent, offered at this time the following resolution:

Whereas, Senate Bill No. 121 has passed the Senate and House of Representatives and has been sent to the Governor; and

Whereas, Senate Bill No. 121 inadvertently included within its terms the counties of Harris and Dallas; and

Whereas, Such was not the intention of the author of the bill or the Members of the Legislature; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Governor be requested to return Senate Bill No. 121 to the House of Representatives, the place where the last action thereon was had, in order that the same may be corrected so as to eliminate the counties of Harris and Dallas from its provisions.

The resolution was read; and on motion of Senator Moore and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### Senate Concurrent Resolution 53

Senator Small, by unanimous consent, offered at this time the following resolution:

Whereas, House Bill No. 852 has passed the Senate and House, and

Whereas, It is necessary that a corrected amendment be made to said bill; now, therefore, be it

Resolved, By the Senate, and the House of Representatives concurring, That the House instruct the Enrolling Clerk to make the following correction: After the word "purposes", third line from bottom of page 5 on the engrossed bill, the following be inserted: "Or for all purposes of a College of Arts and Industries."

KELLEY

The resolution was read; and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### Senate Resolution 80

Senator Nelson, by unanimous consent, offered at this time the following resolution:

Whereas H. B. No. 380 passed the House of Representatives and the Senate and was sent to the Governor for his signature, and

Whereas, H. B. No. 380 in its present form conflicts with the rural aid law and

Whereas, Said bill has been called from the Governor's office by H. S. R. No. 216; therefore, be it

Resolved, That the Senate request the House to return H. B. No. 380 to the Senate for further consideration.

The resolution was read; and on motion of Senator Nelson and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, May 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 50, Authorizing the State Highway Department to lend certain discarded wire to Holliday Independent School District in Archer County.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### Bills on First Reading

The following bills received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 1077, to Committee on Counties and County Boundaries.

H. B. No. 562, to Committee on Finance.

H. B. No. 758, to Committee on Civil Jurisprudence.

#### Senate Bill 181 with House Amendments

Senator Kelley called S. B. No. 181 from the President's table for consideration at this time of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Graves Shivers

#### Senate Bills on First Reading

Senator Nelson moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing two general bills at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Martin
Beck	Metcalf
Brownlee	Moffett
Collie	Nelson
Cotten	Pace
Hill	Redditt
Isbell	Roberts
Kelley	Small
Lanning	Spears
Lemens	

Stone of Galveston	Sulak Van Zandt
Stone of Washington	Weinert Winfield

Nays—3

Burns	Moore
Hardin	

Absent

Head

Absent—Excused

Graves	Shivers
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The following bills then were introduced, read severally first time, and referred to the committees indicated:

By Senator Nelson:

S. B. No. 465, A bill to be entitled "An Act authorizing the Board of Directors of Texas Technological College at Lubbock, Texas, to select and lease a tract of land upon the campus of said college to the Texas National Guard Armory Board for purpose of erecting thereon an armory and other buildings to be used by Texas National Guard under provisions of Senate Bill No. 326, enacted by Regular Session of the Forty-sixth Legislature, approved May 1, 1939; provided terms of such lease contract; authorizing Board of Directors of said college to select and set aside tract of land on said campus not in excess of ten (10) acres to be used by Texas National Guard as drill ground; authorizing said Board of Directors of said college to permit Texas National Guard, and any subdivision thereof, ingress upon said campus and egress therefrom for purpose of going to and from such armory, other buildings and drill grounds; providing a saving clause; and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Nelson:

S. B. No. 466, A bill to be entitled "An Act amending Article 2350 of the Revised Civil Statutes of Texas, 1925, by adding a new section to be known as Article 2350e, fixing salaries of commissioners in certain counties by permitting Commissioners' Court of such counties to determine such salaries so long as they are not in excess of Eighteen Hundred (\$1,800.00) Dollars per year; fixing manner of

payment of such salaries and the funds from which such salaries may be paid; and creating an emergency."

Referred to Committee on Counties and County Boundaries.

### Senate Bill 115 with House Amendments

Senator Winfield called S. B. No. 115 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Graves	Shivers
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### Senate Bill 462 on Second Reading

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 462 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 462, A bill to be entitled "An Act amending Section 1, of Chapter 80, page 122, Acts of the Forty-second Legislature, Regular Session, so as to more adequately define the powers of the Governor of Texas in appointing the members of the State Commission for the Blind, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

#### Bills and Resolution Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

H. B. No. 194, "An Act defining 'Barber Board'; authorizing the State Board of Barber Examiners under certain conditions herein set forth to approve agreements fixing minimum prices for barber services; providing for agreements to be submitted by eighty-five (85) per cent of the licensed barbers in any one county of the State; providing the minimum for haircuts shall not exceed forty (40) cents; providing for orders of the Board to remain in effect until replaced by new agreements; providing for the State Board to adopt and enforce rules and orders necessary to administer the Act; providing for the posting of rules or orders; providing for deviation from established minimum by certain barbers; providing for practice and procedure of the Board with respect to investigations; providing for treatment by the Board of violations of this Act; providing for the Board to administer and enforce the provisions of this Act; providing nothing in this Act shall affect any regulation of the State Board of Health or authority now vested in the State Bureau of Labor Statistics; regulating barber schools or barber colleges; providing a penalty for violating the provisions of this Act; providing for refusal to grant a license or for suspension or revocation of licenses by the Board; providing for appeal from action of the Board; providing for the payment of expenses of administration of this Act; providing for fees for permits and placing such fees in a special enforcement fund; providing that the provisions of this Act shall be cumulative; providing a saving clause; repealing all laws in conflict herewith; providing this Act shall not be construed as an amendment to, nor in any manner repealing, the Anti-trust Laws of this State or the United States; and declaring an emergency."

H. B. No. 28, "An Act amending Article 1839, Revised Civil Statutes

of Texas, 1925, and declaring an emergency."

H. C. R. No. 122, Granting O. L. Neyland permission to sue the State of Texas.

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,  
May 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 288, A bill to be entitled "An Act authorizing and empowering the State Highway Commission to expend State Highway Funds in the acquisition of existing toll bridges and the construction and maintenance of free bridges across the Rio Grande River between the State of Texas and the Republic of Mexico; prescribing the manner of acquisition under certain conditions; to authorize and empower the Highway Commission with the authority of the Governor to negotiate with and enter into such contracts and agreements with the owners of existing toll bridges and with the United States Government and the Republic of Mexico as may be deemed necessary to accomplish the purposes of this Act; and declaring the purposes of the Act; authorizing the acquisition of necessary right of way by purchase or condemnation; providing a savings clause; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with Committee Amendments Nos. One (1) and Two (2), and be printed.

BROWNLEE, Chairman.

Austin, Texas,  
May 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 144 by Bundy et al. (same as S. C. R. No. 51 by Moffett),

"Granting permission to Mrs. Harvey Sharp and her husband, T. J. Sharp, to bring suit against the State of Texas and/or the State Highway Department,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be not printed.

WEINERT, Chairman.

### Adjournment

Senator Weinert moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—18

Brownlee	Pace
Burns	Redditt
Cotten	Roberts
Isbell	Small
Kelley	Stone
Lanning	of Galveston
Lemens	of Washington
Martin	Sulak
Moffett	Van Zandt
Moore	Weinert
	Winfield

Nays—6

Aikin	Spears
Collie	Stone
Hill	of Galveston
Nelson	

Absent

Beck	Metcalfe
Hardin	Sulak
Head	

Absent—Excused

Graves	Shivers
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The Senate, accordingly, at 3:30 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

### SEVENTIETH DAY

(Wednesday, May 17, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Brownlee
Beck	Burns

Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Sulak
Metcalfe	Van Zandt
Moffett	Weinert
Moore	Winfield
Nelson	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

### Reports of Standing Committees

Senator Weinert submitted the following reports of the Committee on State Affairs:

Austin, Texas,  
May 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 465, by Nelson, A bill to be entitled "An Act authorizing the Board of Directors of Texas Technological College at Lubbock, Texas, to select and lease a tract of land upon the campus of said college to the Texas National Guard Armory Board for purpose of erecting thereon an armory and other buildings to be used by Texas National Guard under provisions of Senate Bill No. 326, enacted by Regular Session of the 46th Legislature, approved May 1, 1939; providing terms of such lease contract; authorizing Board of Directors of said college to select and set aside tract of land on said campus not in excess of ten (10) acres to be used by Texas National Guard as drill ground; authorizing said Board of Directors of said college to permit Texas National Guard, and any subdivision thereof, ingress upon said campus and egress therefrom for purpose of going to and from such armory, other buildings and drill ground; providing a saving clause;